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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No.8121/2012

NEERU ABROL

..... Petitioner

Through: Mr. V.K. Rao, Senior Advocate with
Ms. Sumita Kapil, Advocate

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajeev Mehra, ASG, Mr.
Sumeet Pushkarna, CGSC & Mr.
Gaurav Verma, Advocate with Mr.
Rajeev Kumar, Deputy Secretary,
Department of Fertilizers for
respondent Nos. 1 to 3.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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26.12.2012

CM No. 20189/2012 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) No.8121/2012

1. Vide the instant writ petition, the petitioner is seeking issuance of mandamus/prohibition restraining the respondent No. 1 from relieving the petitioner from the post of Director (Finance) till the date of her superannuation i.e. 15.02.2015 and also seeking mandamus directing the

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respondent No.2 to validate panel dated 21.06.2011 until the consideration of candidature of the petitioner for the post of Chairman & Managing Director in NFL.

2. Mr. Mehra, learned Additional Solicitor General appeared on advance notice on behalf of the respondent and submitted that the Director of ACC has issued communication dated 06.12.2012 to the Joint Secretary, Department of Fertilizers, Shastri Bhawan, New Delhi. The same reads as under:-

‘D.O. No. 2(33) EO/2012(ACC)

6th December, 2012

Dear Sir,

Kindly refer to the correspondence resting with Department of Fertilizers communications No. 82/5/2006-HR-I dated 26.7.2012 and 82/1/2011-HR-1 dated 26.7.2012 regarding (i) non-extension of tenure of Ms. Neeru Abrol, Director (Finance), National Fertilizers Limited (NFL), and (ii) scrapping the PESB panel dated 21.06.2012 for selection to the post of Chairman and Managing Director, National Fertilizers Limited.

2. The above proposals were placed before the Competent Authority, who has directed the Department of Fertilizers to make a final reference once again on all the three issues with full facts of CVC for their advice and request CVC to give their opinion at the earliest.

3. The Competent Authority has further directed that thereafter, if the Department is still not in agreement with the views of CVC, they may submit the details to AVD Section of DoPT for taking a view in the matter.

4. This Secretariat may be regularly apprised of the development in the matter.

5. *I am desired to convey the above direction of the Competent Authority for early compliance.*

3. Learned Additional Solicitor General further submits that the final decision on the aforesaid letter and the decision on the appointment of the petitioner as CMD, NFL will be taken by the ACC.

4. In view of the submissions made by the learned Additional Solicitor General, learned senior counsel appearing on behalf of the petitioner submits that the ACC may be directed to take a decision in a time bound manner in pursuance of the letter dated 06.12.2012 and on the appointment of the petitioner as CMD.

5. In view of the aforesaid submissions of counsel for the petitioner, I, therefore, direct the respondent No. 3 to take a decision in pursuance of letter dated 06.12.2012 and on the appointment of the petitioner as Chairman & Managing Director within a period of two months from today.

6. The writ petition is disposed of accordingly.

CM Nos. 20188/2012 (for stay)

With the disposal of the writ petition itself, the instant application has become infructuous. The same is accordingly disposed of.

Dasti under the signature of Court Master.

SURESH KAIT, J.

DECEMBER 26, 2012

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- fresh CM 3062/13 w/s 151 cbe by R-I
for extension of time
(3 months) for compliance
of above order
- w/p disposed of vide above order